

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

May 13, 2010

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No: 10KD-045

**Kauai**

Extinguish Two Reservations to the State of Hawaii Covering a Perpetual Non-Exclusive Access Easement and a Perpetual Non-Exclusive Trail Easement Within Land Patent Grant S-15952 issued to The Avataric Ruchirasala of Adidam, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-2-007: affecting Parcel: 007.

**APPLICANT:**

The Avataric Ruchirasala of Adidam a California nonprofit corporation.

**LEGAL REFERENCE:**

Section 171-6, 57, Hawaii Revised Statutes, as amended.

**LOCATION:**

Portion of land situated at Wailua, Kawaihau, Kauai, identified by Tax Map Key: (4) 4-2-007: affecting Parcel: 007, as shown on the attached map labeled Exhibit B.

**AREA:**

1.262 acres, more or less.

**ZONING:**

State Land Use District:	Rural
County of Kauai CZO:	Residential

**TRUST LAND STATUS:**

Privately owned.

APPLICANT REQUIREMENTS:

None

REMARKS:

The Board at its October 16, 1992, under agenda Item F-14 approved the direct sale of an abandoned road right-of-way to the FreeDaist Communion. It was recommended that the sale would be subject to (1) an easement in favor of the State for access to Parcel 130 (Wailua River Reserve encumbered by Governor's Executive Order 1771 to State Parks) from being landlocked and (2) an easement in favor of the State for a future public trail alignment (Division of Forestry and Wildlife, Na Ala Hele Program). Land Patent Grant No. S-15952 was issued on March 24, 2006.

Because of the death of the two visitors at Opaeka'a Falls within Wailua River State Park on December 19, 2006 and subsequent lawsuit, by letter dated April 29, 2009, Mr. Wayne Nasser, attorney for The Avataric Ruchirasala of Adidamy, expressed concerns that a similar tragedy may happen on the land conveyed to his client by the State, and requested that the two (2) easements be cancelled (or extinguished). The use of the easements poses a serious danger to anyone using or trying to use them and the trail and roadway are only paper interests – they do not exist and never have existed on the ground. They essentially lead to no place of interest. They terminate at a steep eroding cliff with no view of the falls and only a marginal view of the Wailua River (Exhibit A).

State and County of Kauai agencies were solicited for comments.

County Public Works-	No response.
County Planning-	We have no objections.
Department of Health-	We have no environmental health concerns to offer.

Na Ala Hele and State Parks response are attached as Exhibit C and D.

RECOMMENDATION: That the Board:

1. Extinguish Two Reservations to the State of Hawaii Covering a Perpetual Non-Exclusive Access Easement and a Perpetual Non-Exclusive Trail Easement Within Land Patent Grant S-15952 issued to The Avataric Ruchirasala of Adidam, subject to the following:
  - A. The standard terms and conditions of the most current document form, as may be amended from time to time;
  - C. Review and approval by the Department of the Attorney General; and

- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Tommy Oi  
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



April 29, 2009

Mr. Thomas Oi  
Kauai District Land Agent  
State of Hawaii  
Department of Land and Natural Resources  
Land Division  
3060 Eiwa Street, Room 306  
Lihue, Hawaii 96766

Re: Easements Reserved in Land Patent Grant No. 15, 952 to  
The Avataric Ruchirasala of Adidam; Wailua, Kawaihau, Kauai,  
TMK: (4) 4-4-007:abutting 012

Dear Mr. Oi:

I represent Avataric Ruchirasala of Adidam, the owner of TMK (4) 4-4-007: abutting 012. This land comprised an abandoned roadway remnant that was conveyed to my client by Land Patent No. 15,952 (copy enclosed). The purpose of this letter is to request, pursuant to HRS §§ 171-52 and 57, that the State of Hawaii cancel and extinguish the two easements reserved to the State in the Patent; more particularly: 1) The access easement described on pages 2-4 of Exhibit "A," attached to the Patent (the property description) and shown on Exhibit "B" (map); and 2) The Perpetual Non-Exclusive Trail Easement (10-15 feet wide) described on page 4 of Exhibit "A" and shown on Exhibit "B." Upon the extinguishment, my client would completely block off access to this roadway/trail.

The grounds for this request are two-fold: 1) Use of the easements poses a serious danger to anyone using or trying to using them. This danger raises a concomitant specter of significant liability for accidents and injury; and 2) The trail and the roadway are only paper interests - they do not exist and never have existed on the ground. They essentially lead to no place of interest. They terminate at a steep eroding cliff with no view of the falls and only a marginal view of the River. There are far better, more accessible, view points nearby. We believe that it is in the best interest of the State, my client, and the public that this area be taken out of public use and ownership, and permanently blocked.

**EXHIBIT "A"**

PM1:48:17

MAY 5 '09

640988 v1

HONOLULU, HAWAII  
Mailing Address:  
Post Office Box 131  
Honolulu, HI 96810

Street Address:  
Alii Place, Suite 1400  
1099 Alakea Street  
Honolulu, HI 96813

Tel: (808) 539-0400  
Fax: (808) 533-4945  
Email: atty@awlaw.com  
www.ashfordwriston.com

DLNR KDLD RCVD

Mr. Thomas Oi  
Page 2  
April 29, 2009

My client requests that the State determine that the easements have no positive value (they may have a negative value) and consent to cancel and extinguish them for nominal consideration (e.g., \$10).

This letter follows your previous discussions with representatives of my client and your own site inspections. We know that you are well aware of the concerns expressed above. For your reference and for the edification of those who might review this request, I have enclosed photographs, keyed to a map of the area. These photos have short captions and speak more persuasively than any statements that we can make to support the grounds for this request. This dangerous road/trail to "no where" should not be used by anyone.

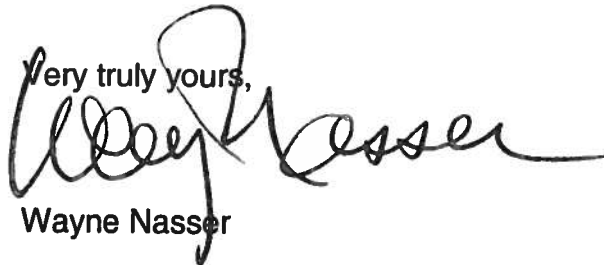
In addition, I have enclosed a Google aerial photo with the remnant roadway drawn in blue and Kaholalele falls shown in the extreme left-hand side -- too far from the end of the trail to see.

In recent years, the newspapers have been full of stories of accidents on and around steep trails, rivers and waterfalls. In most of these instances, unlike here, there were actual trails existing and in use, making this all the more dangerous.

We understand that you share our concerns and we trust that you will act favorably upon our request and recommend it to the Board for approval.

If we can be of any further assistance to you, or if we can supply you with additional information, please do not hesitate to ask.

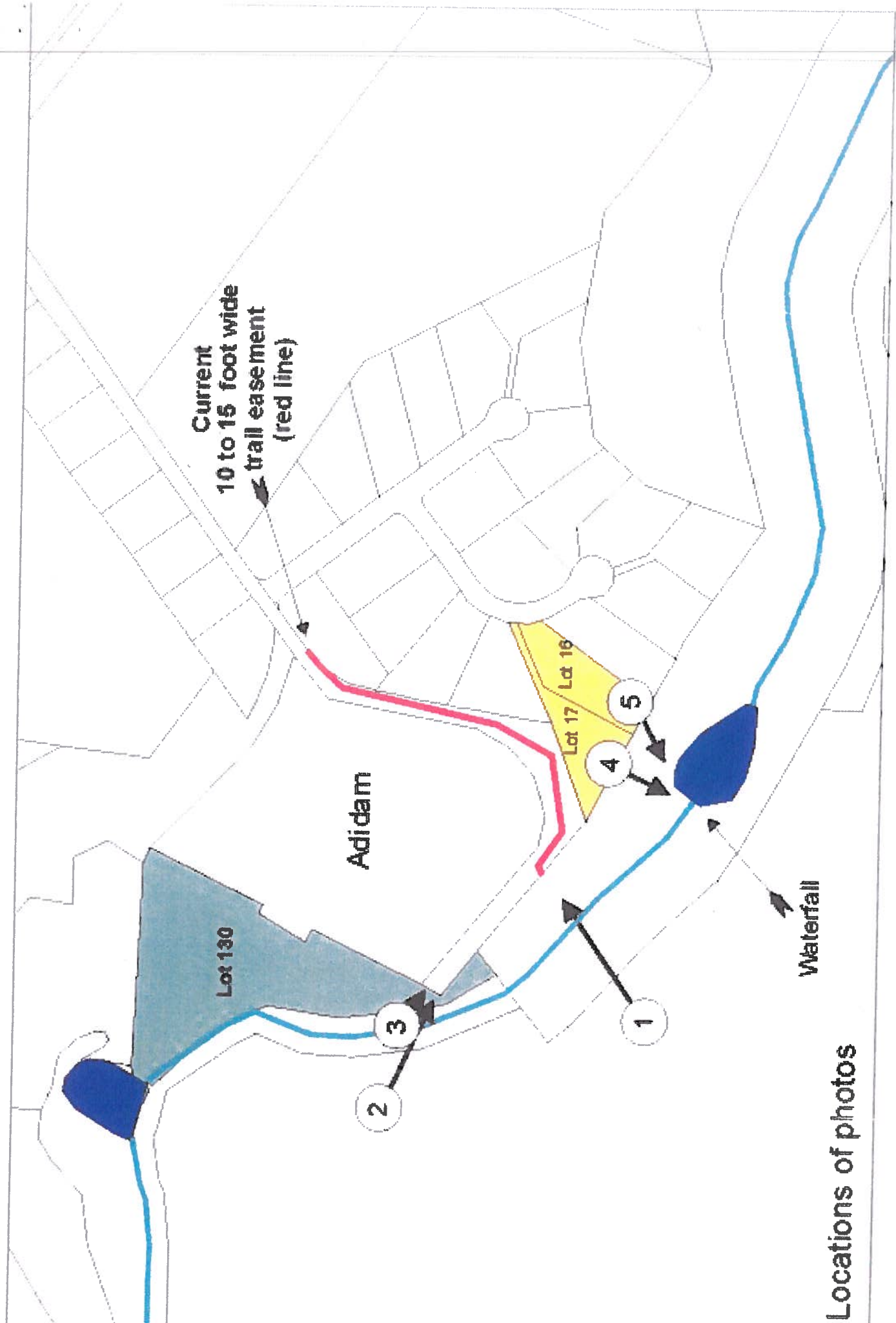
Thank you for your consideration.

Very truly yours,  
  
Wayne Nasser

WN:lhs


Enclosures

EXHIBIT



Locations of photos






Trail Easement ends  
above arrow


End of Trail Easement,  
from river below  
showing 100+ ft dropoff  
(see man in brush)  
(3-02-2000)





End of Kaholalele  
"Access Easement",  
from river below  
showing 50+ ft. dropoff  
(see man in brush)  
(8-20-04)





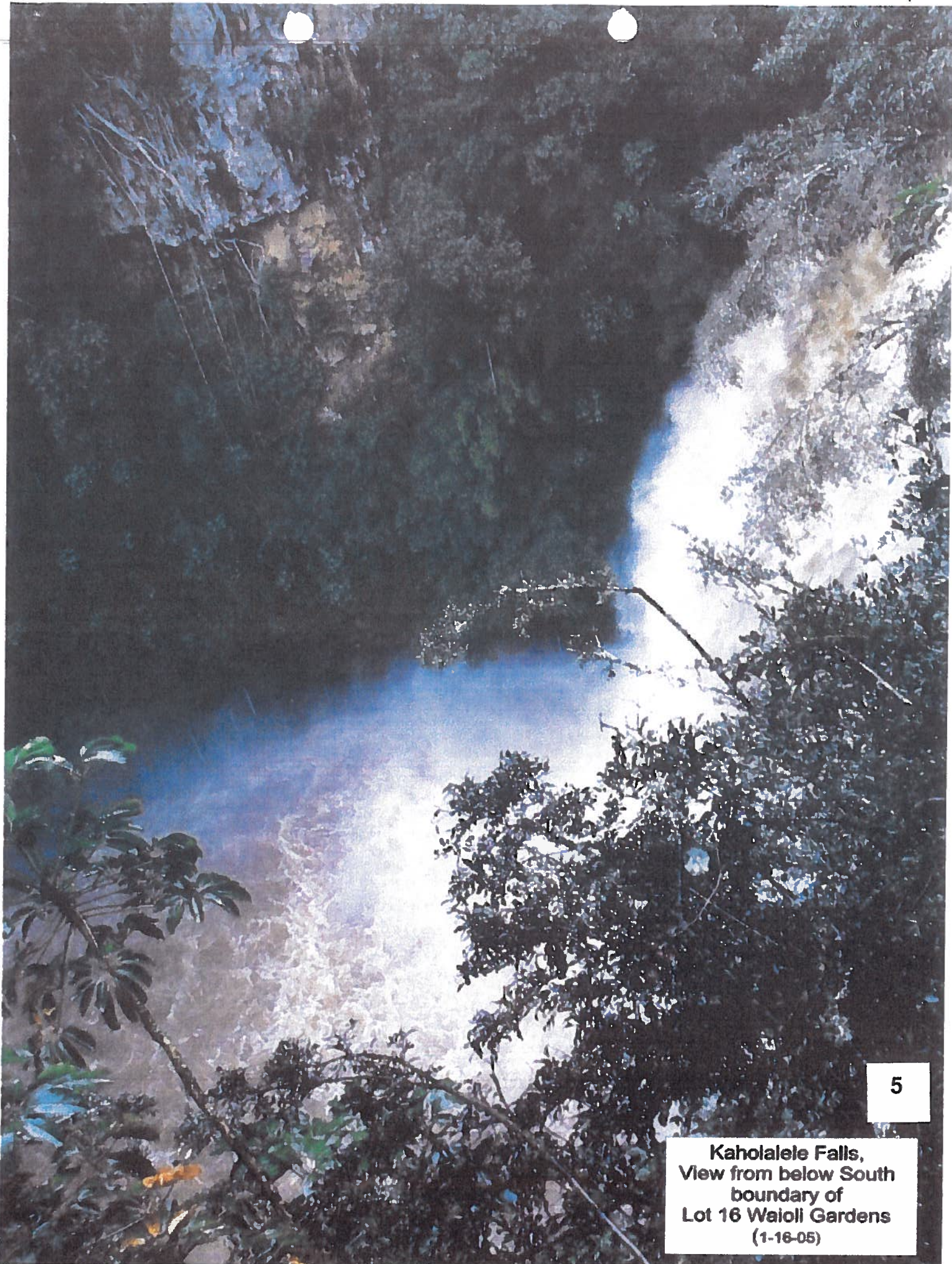
End of Kaholalele Road  
"Access Easement",  
from river below  
showing 50' dropoff  
(camera pointing vertical)  
(8-20-04)





Kaholalele Falls,  
View from center of  
Lot 17, Waioli Gardens,  
(1-29-05)









R-1070 STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED  
MAR 24, 2006 02:30 PM  
Doc No(s) 2006-056708



/s/ CARL T. WATANABE  
REGISTRAR OF CONVEYANCES

CONVEYANCE TAX: \$31.60

20 1/1 29

LAND COURT SYSTEM )  
Return by Mail ( ) Pickup (X) To: )  
REGULAR SYSTEM

DEPT. OF LAND AND NATURAL RESOURCES  
LAND DIVISION

Total Number of Pages: 10  
Tax Map Key No. (4)4-2-007:abutting 012

PATENTOR: STATE OF HAWAII

PATENTEE: THE AVATARIC RUCHIRASALA OF ADIDAM, a  
California nonprofit corporation

LAND PATENT GRANT NO. S-15,952

BY THIS PATENT the State of Hawaii, in conformity with the laws of the State of Hawaii relating to public lands, pursuant to the approval by the Board of Land and Natural Resources on October 16, 1992 and June 22, 2001, and acting pursuant to Section 171-52, Hawaii Revised Statutes, grants to, THE AVATARIC RUCHIRASALA OF ADIDAM, a California nonprofit corporation, whose address is Post Office Box 1175, Kapaa, Hawaii 96746, hereinafter referred to as the "Patentee," for the consideration of THIRTY ONE THOUSAND FIVE HUNDRED FIFTY AND NO/100 DOLLARS (\$31,550.00), the receipt whereof is hereby acknowledged, all of the land situate at Wailua, Kawaihau, Kauai, Hawaii, being designated "Abandoned Portion of Kaholalele Road," containing an area of 1.262 acres, reserving to the State of



Hawaii, its successors and assigns, a perpetual non-exclusive access easement, and reserving, also, to the State of Hawaii, its successors and assigns, a perpetual non-exclusive trail easement, more particularly described in Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts hereof, said exhibits being respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, both being designated C.S.F. No. 23,150 and dated September 6, 2001.

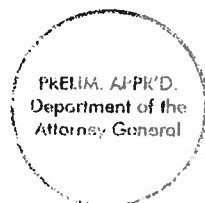
RESERVING TO THE STATE OF HAWAII, ITS SUCCESSORS AND ASSIGNS, THE FOLLOWING:

(1) All minerals as hereinafter defined, in, on or under the land and the right, on its own behalf or through persons authorized by it, to prospect for, mine, and remove these minerals and to occupy and use so much of the surface of the ground as may be required for all purposes reasonably extending to the mining and removal of these minerals by any means whatsoever, including strip mining. "Minerals," as used herein, shall mean any or all oil, gas, coal, phosphate, sodium, sulphur, iron, titanium, gold, silver, bauxite, bauxitic clay, diaspore, boehmite, laterite, gibbsite, alumina, all ores of aluminum and, without limitation thereon, all other mineral substances and ore deposits, whether solid, gaseous, or liquid, including all geothermal resources, in, on, or under the land, fast or submerged; provided, that "minerals" shall not include sand, gravel, rock, or other material suitable for use and used in general construction in furtherance of the Patentee's permitted activities on the land and not for sale to others.

(2) All surface and ground waters appurtenant to the land and the right on its own behalf or through persons authorized by it, to capture, divert, or impound the same and to occupy and use so much of the land as may be required in the exercise of this right reserved.

Provided, however, that as a condition precedent to the exercise of the rights reserved in Paragraphs 1 and 2, just compensation shall be paid to the Patentee for any of Patentee's improvements taken.

RESERVING ALSO, a perpetual non-exclusive easement for a future public trail alignment, variable 10 feet to 15 feet wide easement in favor of the State of Hawaii, Department of Land and Natural Resources, Division of Forestry and Wildlife, Na Ala Hele Program. All cost associated with the ground survey shall be paid for by the Patentee. Said cost paid by Patentee shall be a



credit against the purchase price of this remnant. Should any part of this trail project, including the parking area and trail head entrance be eliminated as a result of change of ownership of the properties currently owned by the Patentee, such use shall be relocated in its entirety to the abandoned road right-of-way, as delineated on Exhibit "B." All such improvement costs required to accomplish this task shall be the responsibility of the Patentee.

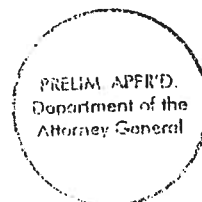
AND THE PATENTEE, for itself, the Patentee's successors and assigns, covenants with the State of Hawaii, and its successors as follows:

A) The use and enjoyment of the land herein granted shall not be in support of any policy which discriminates against anyone based upon race, creed, sex, color, national origin, religion, marital status, familial status, ancestry, physical handicap, disability, age or HIV (human immunodeficiency virus) infection.

B) The use of the land shall be in combination, consolidation, or otherwise with other abutting lands owned by the Patentee and shall be used in accordance with the appropriate zoning and subdivision ordinances of the County of Kauai.

SUBJECT TO rights of native tenants and regulatory rights and ownership rights (if any) of the State of Hawaii established pursuant to state law including Chapter 6E, Hawaii Revised Statutes, over prehistoric or historic remains found in, on, or under the land.

TO HAVE AND TO HOLD said granted land unto the said Patentee, the Patentee's successors and assigns forever, subject, however, to the reservations, conditions and covenants herein set forth.

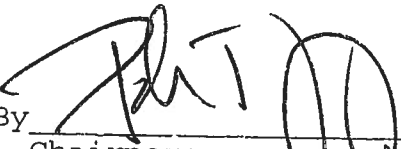




IN WITNESS WHEREOF, the State of Hawaii, by its Board of Land and Natural Resources, has caused the seal of the Department of Land and Natural Resources to be hereunto affixed and this Patent to be duly executed this 24th day of March, 2006.


Approved by the Board of Land and Natural Resources at its meetings held on October 16, 1992, June 22, 2001, and January 13, 2006.


STATE OF HAWAII

By  Chairperson  
Board of Land and Natural Resources *to*

PATENTOR


THE AVATARIC RUCHIRASALA OF ADIDAM,  
a California nonprofit corporation

By   
Its AUTHORIZED AGENT

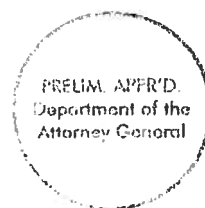
And By   
Its AUTHORIZED AGENT

APPROVED AS TO FORM:

PATENTEE

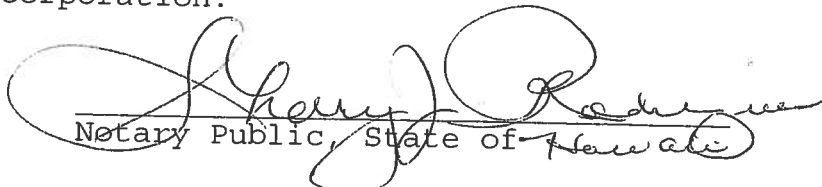
  
Deputy Attorney General

Dated: 2/6/06

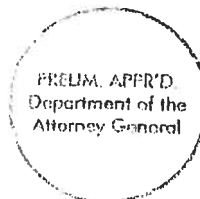


STATE OF Hawaii )  
 ) SS.  
COUNTY OF Kauai )

On this 7<sup>th</sup> day of March, 2006,  
before me appeared Aaron Nakagawa and  
Mark Travis, to me personally  
known, who, being by me duly sworn, did say that they are the  
Authorized Agent and Authorized Agent,  
respectively, of THE AVATARIC RUCHIRASALA OF ADIDAM, a California  
nonprofit corporation, and that the foregoing instrument was  
signed in behalf of said corporation by authority of its Board of  
Directors, and the said Aaron Nakagawa and  
Mark Travis acknowledged said instrument to be the  
free act and deed of said corporation.

  
Notary Public, State of Hawaii

Sherry J. Rodrigues  
Expiration Date: February 21, 2007  
My commission expires: \_\_\_\_\_







**STATE OF HAWAII**

**SURVEY DIVISION**

**DEPT. OF ACCOUNTING AND GENERAL SERVICES**

**HONOLULU**

C.S.F. No. 23,150

**September 6, 2001**

**ABANDONED PORTION OF  
KAHOLALELE ROAD**

**Wailua, Kawaihau, Kauai, Hawaii**

**Being a portion of the Government (Crown) Land of Wailua.**

**Beginning at the north corner of this parcel of land and on the southeast boundary of Grant 10273 to Fred Warren Wichman, the coordinates of said point of beginning referred to Government Survey Triangulation Station "NONOU" being 1380.50 feet South and 12,941.99 feet West, thence running by azimuths measured clockwise from True South:-**

- |                    |   |
|--------------------|---|
| <b>1. 323° 16'</b> | <b>40.00 feet across Kaholalele Road;</b>   |
| <b>2. 53° 16'</b>  | <b>75.69 feet along Grant 9714 to Yutaka Hamamoto;</b>  |
| <b>3. 10° 09'</b>  | <b>432.30 feet along Grant 9714 to Yutaka Hamamoto;</b>   |
| <b>4. 70° 41'</b>  | <b>195.40 feet along Grant 9714 to Yutaka Hamamoto;</b>   |
| <b>5. 129° 53'</b> | <b>447.02 feet along Wailua River Reserve, Governor's Executive Order 1771 and the Government (Crown) Land of Wailua;</b> |

**PRELIM. APPR'D.  
Department of the  
Attorney General**

**EXHIBIT "A"**

September 6, 2001

- |              |  |
|--------------|--|
| 6. 206° 08'  | 41.26 feet along the Government (Crown) Land of Wailua;  |
| 7. 309° 53'  | 347.10 feet along Grant 10273 to Fred Warren Wichman;  |
| 8. 281° 55'  | 59.80 feet along Grant 10273 to Fred Warren Wichman;   |
| 9. 253° 11'  | 75.00 feet along Grant 10273 to Fred Warren Wichman;   |
| 10. 232° 30' | 75.00 feet along Grant 10273 to Fred Warren Wichman;   |
| 11. 212° 05' | 76.00 feet along Grant 10273 to Fred Warren Wichman;   |
| 12. 190° 09' | 296.90 feet along Grant 10273 to Fred Warren Wichman;  |
| 13. 233° 16' | 91.50 feet along Grant 10273 to Fred Warren Wichman to the point of beginning and containing an AREA OF 1.262 ACRES. |

Reserving to the State of Hawaii, its successors and assigns, a Perpetual Non-Exclusive Access Easement, as shown on plan attached hereto and made a part hereof, and more particularly described as follows:

Beginning at the north corner of this easement being the initial point of the above-described Abandoned Portion of Kaholalele Road, thence running by azimuths measured clockwise from True South:-

September 6, 2001

1. 323° 16' 40.00 feet across Kaholalele Road;
2. 53° 16' 75.69 feet along Grant 9714 to Yutaka Hamamoto;
3. 10° 09' 432.30 feet along Grant 9714 to Yutaka Hamamoto;
4. 70° 41' 195.40 feet along Grant 9714 to Yutaka Hamamoto;
5. 129° 53' 447.02 feet along Wailua River Reserve, Governor's Executive Order 1771 and the Government (Crown) Land of Wailua;
6. 206° 08' 41.26 feet along the Government (Crown) Land of Wailua;
7. 309° 53' 347.10 feet along Grant 10273 to Fred Warren Wichman;
8. 281° 55' 59.80 feet along Grant 10273 to Fred Warren Wichman;
9. 253° 11' 75.00 feet along Grant 10273 to Fred Warren Wichman;
10. 232° 30' 75.00 feet along Grant 10273 to Fred Warren Wichman;
11. 212° 05' 76.00 feet along Grant 10273 to Fred Warren Wichman;
12. 190° 09' 296.90 feet along Grant 10273 to Fred Warren Wichman;

PRELIM. APPR'D  
Department of the  
Attorney General



C.S.F. No. 23,150

September 6, 2001

13. 233° 16'

91.50 feet along Grant 10273 to Fred Warren  
Wichman to the point of beginning and  
containing an AREA OF 1.262 ACRES.

Reserving, also, to the State of Hawaii, its successors and  
assigns, a Perpetual Non-Exclusive Trail Easement (variable 10 to 15 feet wide) as  
shown on plan attached hereto and made a part hereof.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

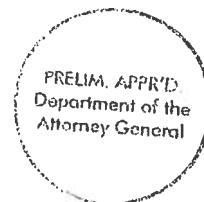
By: 

Thomas H. Oi  
Land Surveyor

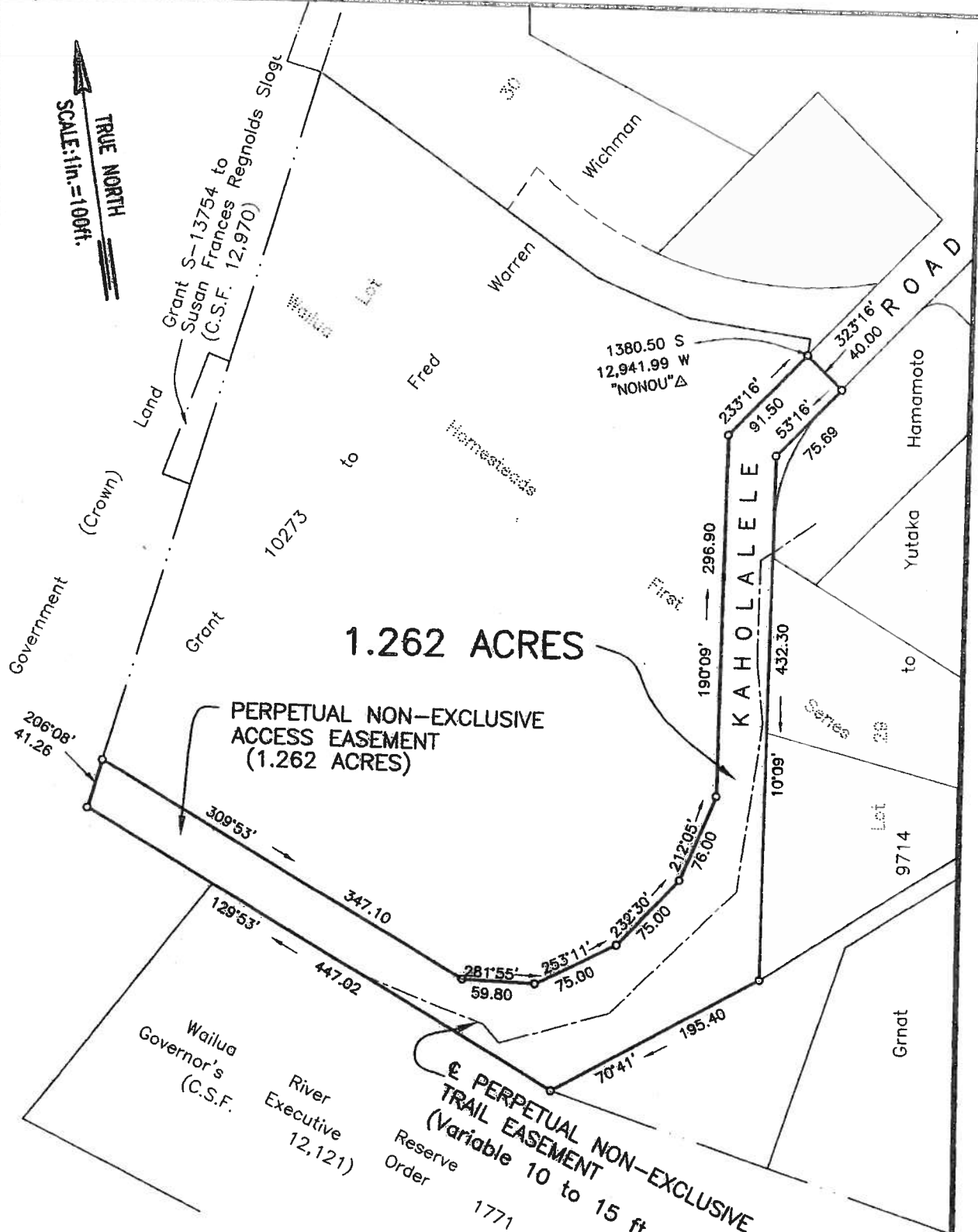
gm

Compiled from map  
furn. by Ronald J. Wagner,  
CSFs 6014, 12121, 12970, 19020,  
Plat 3033 and other Govt. Survey  
Records.

TMK: 4-2-07:Abutting 12



TRUE NORTH  
SCALE: 1 in. = 100 ft.



# ABANDONED PORTION OF KAHOLELE ROAD Wailua, Kawaihau, Kauai, Hawaii

PRELIM. APPR'D  
Department of the  
Attorney General

JOB: K-12(2001)

C. BK.

Scale: 1 inch = 100 feet

REDUCED NOT TO SCALE

**EXHIBIT "B"**

TAX MAP 4-2-07: Abutting 12

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

C.S.F. NO. 23,150

TOI September 6, 2001

## CERTIFICATE

I, Michael J. Wood, acting in my official capacity as Secretary of and General Counsel to The Avataric Ruchirasala of Adidam, a California religious nonprofit corporation (the "Corporation"), do hereby certify that on March 7, 2006 the Board of Directors of the Corporation unanimously adopted the following resolutions:

WHEREAS, the Corporation has received from the State of Hawaii a document entitled "Land Patent Grant No. 8-15,952", which document (the "Grant") will, when fully executed, effect a grant by the State of Hawaii to the Corporation of "all of the land situate at Wailua, Kawaihau, Kauai, Hawaii, being designated 'Abandoned Portion of Kaholalele Road,' containing an area of 1.262 acres. . ."; and

WHEREAS, the Grant states that it is "APPROVED AS TO FORM", that statement being signed as of 2/6/06 by the Hawaii Deputy Attorney General, and the Grant further contemplates that it will be signed by two authorized representatives of the Corporation and then by the Chairperson, Board of Land and Natural Resources, State of Hawaii; and

WHEREAS, this Board of Directors has reviewed the Grant and has determined that it is in the best interests of the Corporation and its members for the Corporation to execute the Grant;

NOW THEREFORE, IT IS HEREBY RESOLVED that Aaron Nakagawa and Mark Travis be, and they hereby are, authorized and directed to sign the Grant on behalf of the Corporation, to then transmit the Grant to the Board of Land and Natural Resources for signature by its Chairperson, and to take such further actions and execute such further documents as are necessary or appropriate in their judgment to the full and complete execution of the Grant and the full and proper implementation of these resolutions; and


RESOLVED FURTHER, that Michael J. Wood, Secretary of and General



Counsel to the Corporation, be, and he hereby is, authorized and directed to prepare, sign, and have notarized his Certificate attesting to the due adoption by this Board of Directors of these resolutions and to transmit his Certificate to Messrs. Nakagawa and Travis so that they will be informed of the due adoption by this Board of Directors of these resolutions, Mr. Wood being hereby further authorized and directed to continue advising and assisting Messrs. Nakagawa and Travis as appropriate in connection with this matter.

I do hereby further certify that those resolutions remain in full force and effect.

Date: March 7, 2006

  
\_\_\_\_\_  
Michael J. Wood

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Lake

} ss.

On March 7, 2006 before me, Sally Schumacher, N.P.

personally appeared Michael J. Wood

Name(s) of Signer(s)

☒ personally known to me  
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Sally Schumacher  
Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: Certificate

Document Date: March 7, 2006

Number of Pages: 2

Signer(s) Other Than Named Above: none

### Capacity(ies) Claimed by Signer

Signer's Name: Michael J. Wood

Individual

☒ Corporate Officer — Title(s): Secretary

Partner — Limited General

Attorney-in-Fact

Trustee

Guardian or Conservator

Other:

Signer Is Representing: The Antarctic Ruchrasala of Adidam

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

LINDA LINGLE  
GOVERNOR OF HAWAII



LAURA H. THIELEN  
I CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
  
KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
DIVISION OF FORESTRY AND WILDLIFE  
1151 PUNCHBOWL STREET, ROOM 325  
HONOLULU, HAWAII 96813  
TEL (808) 587-0166 FAX (808) 587-0160

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

June 19, 2009

Ref: K08:01 Kaholalele

Memorandum

TO: Thomas Oi  
Kauai District Land Agent

FROM: Doris Moana Rowland *DMR*  
Interim Na Ala Hele Program Manager

SUBJECT: Cancellation of Easements Reserved in Land Patent Grant No. 15,952 to the  
Avataric Ruchirasala of Adidam, situate at Wailua, Kawaihau, Kauai,  
TMK: (4) 4-4-007: abutting 12

Upon consultation with Kauai Staff, Na Ala Hele consents to the cancellation and extinguishment of two easements that were reserved to the State of Hawaii in the referenced Land Patent Grant. This affects the trail easement described in the Grant as The Perpetual Non-Exclusive Trail Easement (10-15 feet wide).

Staff recognizes the Church's concerns regarding the safety and liability of allowing access over Church property in unsafe locations. Furthermore, the State does not have the resources to properly create, maintain, and control such access.

If I can be of further assistance in this matter, please let me know.

PM2:34:09

JUN 24 '09

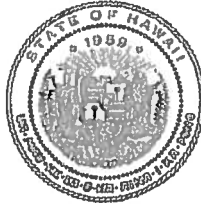
DLNR KDLO RCU

c: Wayne Nasser, Ashford & Wriston

**EXHIBIT "C"**



LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809  
DIVISION OF STATE PARKS  
October 27, 2009

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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Mr. Wayne Nasser  
Ashford & Wriston  
PO Box 131  
Honolulu, HI 96810

Dear Mr. Nasser:

Subject: Cancellation of Easements Reserved in Land Patent Grant No. 15, 952 to The Avataric  
Ruchirasala of Adidam; Wailua, Kawaihau, Kauai, TMK: (4) 4-4-007:abutting 012

Mr. Quinn referred your July 30, 2009 letter to me for response.

Please be advised that State Parks has no objection to the cancellation of the trail/easement with respect to the above property.

Sincerely,

  
Steve Thompson  
Parks Program Manager

c: Mr. Daniel Quinn, Administrator  
Mr. Thomas Oi, Kauai Land Agent  
Mr. Mark Travis

EXHIBIT "D"